IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

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WRIT PETITION NO : 18546 of 2003

Between:

K. Ramulu S/o Ramulu
R/o Nanaknagar (V), Post Medipalli,
Yacharam (M), Rangareddy District - 501 509

..... PETITIONER

AND

1 Deputy Registrar/Divisional Cooperative Officer, Hyderabad (East) Division, Ranga Reddy District
at Hyderabad.
2 Supervisor PIC Committee Member Primary Agriculture Coop Society Ltd., TB 141, Yacharam (V) & (M), Ranga Reddy Disrict
3 Primary Agriculture Coop Society Ltd., TB 141, Yacharam (V) & (M), Ranga Reddy District
rep. by its Chairperson

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction, order or orders particularly in the nature of writ of mandamus i) declaring the endorsement dt. 6-6-2003 of the 2nd respondent ie., the Supervisor/PIC committee member of the 3rd respondent ie., Primary Agriculture Cooperative Society Ltd., TB 141, Yacharam (V) & (M) Ranga Reddy District, restraining the petitioner from signing in the Attendance Register and not allowing him to attend to his duties as Attender, as without jurisdiction, power or authority, illegal, arbitrary, violative of the principles of natural justice, unjust, improper and hence set aside the same. ii) Direct the 3rd respondent ie., the Chairperson of the Primary Agriculture Cooperative Society Ltd., TB 141 , Yacharam (V) & (M) Ranga Reddy District to continue him as Attender in the Society and pay the salary w.e.f. 1-6-2003.

Counsel for the petitioner: D.V.Bhadram

Counsel for the respondent No.1: G.P.For Co-operation.

Counsel for the respondent Nos.2 and 3: Mr.R.Radhakrishna Reddy, Standing Counsel

The Court made the following:

ORDER:

Heard the learned counsel appearing for both the parties.

The petitioner is the employee of the 3rd respondent society. While so, the 2nd respondent made an endorsement in the attendance register on 6.6.2003 stating that as per the Head Office information the appointment made after 1995 should be cancelled.

Counter affidavit has been filed stating that the first respondent issued notice dated 12.1.2001 stating that the appointment made after 1995 are against the circular instructions issued by the Commissioner for Co-operation and Registrar of Co-operative Societies in Rc.No.53652/95-K dated 18.11.1995 and in view of the same the appointment of the petitioner is considered to be irregular and, accordingly, he was directed not to sign in the attendance register.

The service conditions of employees of Primary Agricultural Co-operative Societies must be only in accordance with the provisions of Section 116-C of the Andhra Pradesh Co-operative Societies Act, 1964. If any appointment is contrary to the mandatory provisions of Section 116-C, then such appointment is liable to be cancelled. It is not the case of the respondents that the appointment is contrary to the mandatory provisions of Section 116-C of the Act. Therefore, I am of

the opinion that the said endorsement made on the basis of the information is illegal and against the principles of natural justice.

The writ petition is, accordingly, allowed as prayed for keeping it open to the respondent Society to take appropriate action in accordance with law. No order as to costs.

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(V.ESWARAIAH, J.)

That, Rule Nisi has been made absolute as above. Witnesses the Hon'ble Sri Bilal Nazki, the Acting Chief Justice on this Monday, the twenty seventh day of June, two thousand and five.

Note: Issue copy within one week

B.O.

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To

1 Deputy Registrar/Divisional Cooperative Officer, Hyderabad (East) Division, Ranga Reddy District
at Hyderabad.
2 Supervisor PIC Committee Member Primary Agriculture Coop Society Ltd., TB 141, Yacharam (V) & (M), Ranga Reddy Disrict
3 The Chairperson, Primary Agriculture Coop Society Ltd., TB 141, Yacharam Village and Mandal, Ranga Reddy District.

4.2 copies to the Govt. Pleader for Co-operation, High Court buildings, Hyderabad (OUT)

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